

# Officials may defy Trust Act

[Immigration, from AA1] eral law trumps state law. If it were to move forward, we'd adhere to federal law, so we'd still honor ICE holds," Baca spokesman Steve Whitmore said.

The Secure Communities program calls for local law enforcement to share fingerprint databases with ICE. That means someone booked on a minor offense, such as trespassing or disturbing the peace, could come to immigration authorities' attention. ICE could then issue a request for the local agency to hold the suspect for up to 48 hours.

The Trust Act would prohibit sheriffs and police departments from honoring those hold requests, possibly drawing the ire of federal authorities as well as California sheriffs.

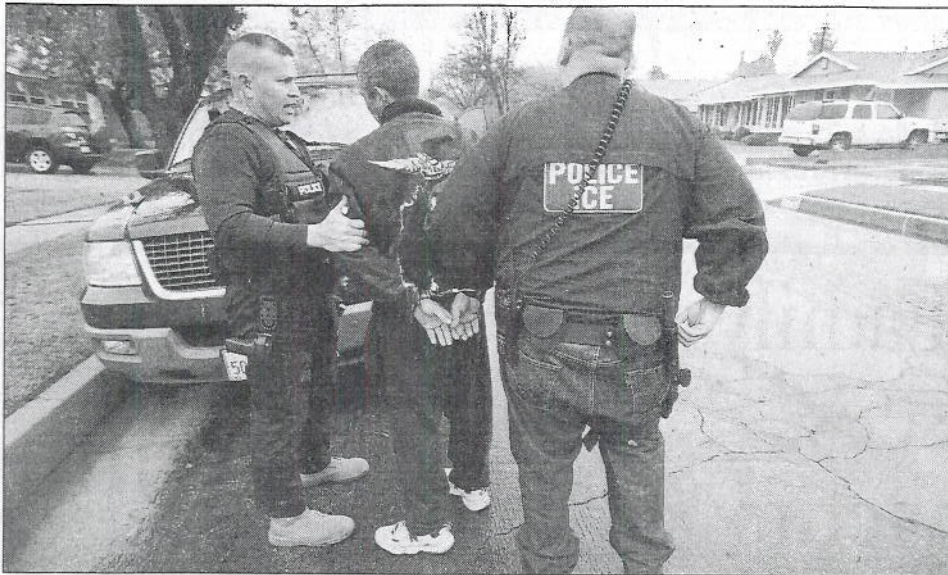
ICE Director John Morton has said a similar measure in Cook County, Ill., violates federal law. He has threatened to take away the federal funding that Cook County receives to jail immigration detainees.

Critics say Secure Communities ensnares immigrants committing minor infractions, such as the Sacramento tamale vendor who recently became a cause celebre when she was arrested on trespassing charges as she hawked her wares in a Wal-Mart parking lot. The woman, Juana Reyes-Hernandez, spent several weeks in jail while her two children were put in foster care. Her deportation case was eventually dismissed.

"Even if she did violate some civil infractions, what was used against her was horrible: the threat of deportation. We want to distinguish between the tamale lady and those who have in fact committed egregious crimes," Assemblyman Tom Ammiano (D-San Francisco), who authored the Trust Act, said on the Assembly floor Friday.

Fewer than a third of the roughly 80,000 people deported from California through Secure Communities since the state joined the program in 2009 were convicted of serious felonies. Most of the rest committed misdemeanors.

Critics of federal policies



AL SEIB Angeles Times

**AN ICE OFFICER**, left, talks to a detainee. The Trust Act passed by the Legislature on Friday would limit local authorities' compliance with U.S. detention law.

also cite the costs of keeping immigration detainees, an expenditure that is partially reimbursed by federal grants.

A study by the research group Justice Strategies concluded that ICE detainees stay at Los Angeles County jails an average of 20 days longer than other pre-trial inmates, costing as much as \$26 million a year.

But some sheriffs said the cost is part of doing business.

"Does it cost us something? Yeah. But I don't find the costs prohibitive to effective and cooperative law enforcement," said San Diego County Sheriff William Gore, who may join Baca in defying the Trust Act if the governor signs it.

Divisions within California law enforcement highlight a national concern: In the absence of large-scale

federal immigration reform, local jurisdictions are adopting divergent policies, leaving undocumented immigrants exposed to significantly different enforcement practices.

"This is one more fight between the federal government and local government because we continue to not solve the greater problem," said Wendy Sefsaf, communications director for the Immigration Policy Center.

Trust Act proponents hail the measure as a sharp turn from harsh policies in Arizona, which passed SB 1070, aimed at allowing local law enforcement to crack down on illegal immigration. The Supreme Court recently struck down major parts of the law.

If Brown signs the Trust Act, California would cement its reputation as one of the nation's more immi-

grant-friendly jurisdictions.

"California can lead the nation in preserving a community's well-being while leaving immigration duties to the federal government where they belong," said Jorge-Mario Cabrera, director of communications for the Coalition for Humane Immigrant Rights of Los Angeles. "We don't need to become an immigrant-chasing nuthouse."

But California sheriffs fear the law would put them at odds with the federal government.

"To do these types of things unwinds partnerships that have worked so well to protect the public," said Riverside County Sheriff Stan Sniff, who said he "wouldn't be surprised" if his department ends up defying the Trust Act.

cindy.chang@latimes.com

8-25-12

# U.S. seeks more data on county jail review

By ROBERT FATURECHI

A federal grand jury has demanded that Los Angeles County sheriff's officials turn over all correspondence they have had with a county commission created to examine allegations of excessive force by deputies in the county jails, according to a sheriff's email obtained by The Times.

The subpoena suggests that federal authorities, in the midst of a widespread investigation of the jails, are expanding their probe to include allegations unearthed by the commission.

In recent months, that county panel has heard testimony from current and former sheriff's supervisors who have publicly alleged that top managers fostered a culture of abuse inside the jails.

But many more sheriff's employees have spoken to the commission privately. The subpoena could inadvertently force those sheriffs to reveal more.

(See Jails, AA4)

# Baca may defy proposed Trust Act

8-25-12

If Brown signs the measure, it will be at odds with federal law on deportations.

By CINDY CHANG

Los Angeles County Sheriff Lee Baca is among the California law enforcement officials who may defy a proposed state law and continue to detain arrestees who are illegal immigrants

when asked to do so by federal authorities.

The Trust Act, which cleared the state Legislature on Friday, is the latest measure nationwide to push back against federal immigration policy, either by reducing or increasing enforcement. The law would prohibit local authorities from complying with federal detention requests except when a suspect has been charged with a serious or violent crime. Sheriff's say that if the law is signed by Gov. Jerry

Brown, it would put them in a difficult position by forcing them to renege on their obligations under the federal Secure Communities program, which deported about 400,000 undocumented immigrants in 2011.

"It would make me break either federal or state law. I would have to pick which one to break," Sonoma County Sheriff Steve Freitas said.

Brown, who supported Secure Communities when he was attorney general, has

not indicated whether he will sign the Trust Act, a final version of which passed the Assembly on Friday on a 48-26 vote. Some sheriffs say they may end up disregarding the state law but are waiting to see what the governor will do. Baca has gone a step further, saying that he will respect detention requests from U.S. Immigration and Customs Enforcement despite state requirements.

"Our stance is that federal law is that federal law. [See Immigration, AA4]

## SCIENCE FILE

# Secret witnesses may be exposed

Jails, from AA1

Officials to out themselves to the department as informants.

In addition to seeking documents, federal authorities have been conducting interviews with current and former sheriff's officials, some of whom have told The Times that the questions have gone beyond jail issues to include other allegations of misconduct.

Federal prosecutors last year subpoenaed The Times for information about online commenters who complained about jailer misconduct, but that subpoena was withdrawn after the newspaper's attorneys objected.

The FBI's secret investigation of the jails was revealed last year when The Times reported that the bureau had smuggled a cell phone through a corrupt jailer to an inmate working

formant inside Men's Central Jail.

Since then, public scrutiny of the jails has intensified. Among the revelations was that top sheriff's officials had raised alarms in internal memos about jailers' criminal narratives to im-

pose "jailhouse justice" and supervisors allowing the behavior to go unchecked by conducting shoddy investigations. A retired jail commander told The Times that he tried to take his warnings about gang-like deputy cliques to Sheriff Lee Baca but was ignored.

Alarmed by the allegations, the county Board of Supervisors created a commission to examine jail abuse. The panel has not yet issued its findings, but its ongoing investigation has included dozens of interviews with sheriff's officials and others. Only a handful have testified before the

commission publicly.

The email about the subpoena was sent to a wide range of Sheriff's Department supervisors, telling them that those at the rank of lieutenant or above will have to turn over their correspondence with the commission to the department so the agency can comply with the subpoena.

"It is of the utmost importance that we comply fully with this subpoena," the email said. It's unclear if the sheriff's supervisors are expected to turn over correspondence conducted via personal email and other non-county channels.

Sheriff's spokesman Steve Whitmore said he was unaware of the subpoena. He said Baca has made it clear to his deputies that they are allowed to cooperate with the commission. "It would be a shame if those who wanted to be

anonymous were exposed, but we didn't do that," he said. "And we wouldn't hold that against them."

As the commission was beginning its work, its members anticipated that they would not be able to guarantee confidentiality to witnesses because a court could compel them to provide names during a criminal investigation or civil litigation.

Miriam Krinsky, executive director of the commission, said Friday that the panel's investigators made that clear to their witnesses. "Every witness we've spoken with has been informed that we don't alone determine whether witnesses' identities are going to be main undisclosed," she said.

The U.S. attorney's office could not be reached for comment on the subpoena.

Robert Faturechl  
@latimes.com

# LAPD probes possible resale of weapons

8-25-12

Inquiry is second attempt to determine if SWAT officers resold guns for profit.

By JOEL RUBIN

The Los Angeles Police Department is investigating whether members of its elite SWAT unit took advantage of their assignments to purchase large numbers of specially made handguns and resell the weapons for steep profits, according to a report released Friday by the independent watchdog overseeing the department.

The allegations, if true, could be a violation of federal firearm laws and city ethics regulations.

The ongoing inquiry is the LAPD's second attempt to understand what happened with the handguns. Police officials opened the investigation only after Inspector General Alex Bustamante raised concerns that a previous attempt to look into the gun dealings had been badly "deficient," according to Bustamante's report.

Because the initial investigation was so lacking, little is known about the gun sales. Bustamante's report, which will be presented to the L.A. Police Commission

# Informant's credibility complicates jail probe <sup>LA</sup> *Times*

*Times 8-28-72*

BY JACK LEONARD  
AND ROBERT FATURECHI

For months, Anthony Brown fooled his jailers into believing that he was just another prisoner inside Men's Central Jail.

In fact, the 45-year-old armed robber was working for the FBI on a highly sensitive investigation of the Los Angeles County jails. He took down the names of sheriff's deputies who he alleged were dirty. He reported tales of violent abuse of inmates at the hands of jailers. He even ensnared a deputy in a phone smuggling scheme that resulted in a criminal conviction.

Brown gave FBI agents what they couldn't have gotten on their own: an insider's view of a jail system beset with allegations of excessive force and other deputy misconduct.

But the same knack for duplicity that made Brown a successful informant could complicate the larger case federal prosecutors are building on alleged abuses inside the nation's largest jail system.

Until now, little has been known about the informant. But The Times confirmed his identity and spoke to him at length at Centinela state

[See Informant, A7]